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April 17, 2013

Via Email: ForrestNYSDChambers@nysd.uscourts.gov

Hon. Katherine B. Forrest, U.S.D.J.

U.S. District Court - SDNY

Daniel Patrick Moynihan - United States Courthouse

500 Pearl Street

New York, NY 10007

Re: Chan v. Neo Sushi Studio, Inc., et al.  
Docket No: SDNY - 1:12-cv-4505

USDC SDNY  
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ELECTRONICALLY FILED  
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Dear Judge Forrest:

As per your request, attached hereto please find the "rough" draft of the transcript of Sunny Wu's deposition.

Respectfully Submitted,

*Michael K. Chong*

Michael K. Chong, Esq.

MKC/  
Attach.

ordered  
Post to docket.  
to B. For  
4/18/13  
USDJ

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1

1 In Re: Chan v. Neo Sushi, et al.

2 -----

3 WARNING - ROUGH DRAFT

4

5 Deposition of:

6 Sunny Wu

7 April 16, 2013

8 New York, New York

9 Lead: Mr. Salva

10 Firm: Michael Chong

11

12 APPEARANCES:

13 MICHAEL TAUBENFELD, ESQ., SERRINS FISHER, LLP

14 GEORGE R. SALVA, ESQ., MICHAEL CHONG.

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24 HUDSON REPORTING

25 Mark Iuzzolino, Court Reporter

□

2

1 (The following is an unedited rough draft

2 and is not in final form. Various corrections

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3 and/or changes will be made before the final  
4 version is completed. This rough draft and/or  
5 rough ASCII is being provided as a special  
6 service to be used for limited purposes. The  
7 reporter will not be responsible for content of  
8 such rough draft and/or any variance thereof  
9 from the final transcript.)

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□

3

1 DIRECT EXAMINATION  
2 BY MR. SALVA  
3 Q. Good morning.  
4 A. Good morning.  
5 Q. My name is Gorge Salva. I'm an  
6 attorney from the law offices of Michael Chong  
7 and we represent the defendants and it's

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8 third-party plaintiffs in this matter Neo Sushi  
9 studio, Inc., and Vinh C. Lee. For purposes of  
10 this deposition just to make things easier I'm  
11 going to refer to my clients as simply Neo  
12 Sushi and Mr. Ly. Is that acceptable for you?

13 A. Sure.

14 Q. Now, before we begin I just wanted to  
15 go over a few preliminary instructions for you.  
16 Let me finish a question fully before you begin  
17 answering. That way the court reporter can  
18 take everything down and we don't have to --  
19 the court reporter doesn't have to worry about  
20 people speaking over each other. Always answer  
21 verbally even if it's a yes or no. So don't  
22 just shake your head or nod because the court  
23 reporter can't take that down.

24 A. Yes.

25 Q. Certainly if you don't hear a

4

1 question or don't understand it or need me to  
2 rephrase a question, just say so and we can  
3 either read back the question or I can rephrase  
4 it to make it a little bit more clear for you.

5 A. Okay.

6 Q. Do you understand all these  
7 instructions?

8 A. Yes.

9 Q. And the next question is something  
10 that I ask everybody before a deposition. Are  
11 you on any medication or drug that you believe

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12 might affect your ability to testify truthfully  
13 today?  
14 A. No.  
15 Q. Okay. Thank you. Have you ever been  
16 involved in any other lawsuit?  
17 A. No.  
18 Q. Have you ever testified at a  
19 deposition before?  
20 A. No.  
21 Q. Have you ever testified in court?  
22 A. No.  
23 Q. Measure Wu, were you born in the  
24 United States?  
25 A. No.

5

1 Q. When did you emigrate to the United  
2 States?  
3 A. 1979.  
4 Q. What education have you received  
5 since high school?  
6 A. Went to City College for maybe six  
7 months. Yeah. That's about it.  
8 Q. What did you study?  
9 A. Business administration.  
10 Q. Do you have a college degree?  
11 A. No.  
12 Q. Do you have a certification from a  
13 school or -- it could be like a trade school or  
14 something like that.  
15 A. No.  
16 Q. Since -- I don't think it's necessary

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17 to go back to 1979 but certainly since --  
18 before you say you indicated in the complaint  
19 you started working for Neo Sushi since the  
20 year 2000, can you just go one by one what  
21 other jobs have you had?

22 A. 2001? work as Haru, H-a-r-u, it's a  
23 Japanese restaurant. Then.

24 Q. What was -- what type of work did you  
25 do there?

6

1 A. Waiter.

2 Q. You were awaited.

3 A. Wait staff, yeah, server.

4 Q. So you dealt with customers all the  
5 time.

6 A. Yes.

7 Q. And did they -- they would pay you?  
8 What I mean to say is they would get the bill  
9 and they would pay you. Would they pay in cash  
10 sometimes?

11 MR. TAUBENFELD: Objection to form.

12 You can answer. You can answer the  
13 question.

14 A. Cash, credit card.

15 Q. Did you -- when you were at Haru, did  
16 you work with vendors?

17 A. No.

18 Q. Like people that supplied food or  
19 supplies to the restaurant.

20 A. You mean like the people that

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21 delivery to the restaurant.

22 Q. Yes, delivery?

23 A. No.

24 Q. How long were you at Haru for?

25 A. This was less than like a month.

7

1 Q. Very short time.

2 A. Yeah, very short time.

3 Q. Where did you go next?

4 A. Went to Canada, Vancouver.

5 Q. And how long were you there for?

6 A. Two months.

7 Q. And what type of work did you do in

8 Vancouver?

9 A. I was helping a friend at a factory.

10 He needed -- needed help. So I was there to

11 help him -- it's a CD production factory that

12 he had a technician that goes from -- that

13 through in from Hong Kong. So he doesn't -- he

14 can't drive to work.

15 Q. No, I understand. What year did you

16 come back to the United States?

17 A. Two months -- it was the same year.

18 Q. 2002, 2000 --

19 A. It was the same year, 2001.

20 Q. What was your next job in the United

21 States?

22 A. This was prime performance.

23 Q. Prime performance?

24 A. It's an embroidery factory.

25 Q. What type of work did you do there?

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8

1 A. Embroidery, like caps, clothing,  
2 stuff like that.

3 Q. Where was this company?

4 A. California in aliment tea.

5 Q. How long were you there 'til?

6 A. I was there close to a year --

7 Q. Now, just to speed it up, when did  
8 you come back to New York city area?

9 A. 2004.

10 Q. 2004?

11 A. Yes.

12 Q. Have you worked in the New York City  
13 area -- have you worked anywhere else besides  
14 New York City area since?

15 A. Yes.

16 Q. So let's take it one step at a time.  
17 In 2004 where did you work?

18 A. New Jersey, neuvo Sushi.

19 Q. Neuvo?

20 A. Yeah. It's French. It's Japanese  
21 but they put a French name in it.

22 Q. Where was the restaurant located?

23 A. Montclair.

24 Q. Montclair.

25 Q. What type of work did you do over

9

1 there?

2 A. A server.

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3 Q. So you also corrected payments from  
4 customers at the time of the bill.  
5 A. Yes.  
6 Q. Cash and credit card payments.  
7 A. Yes.  
8 Q. How long did you stay with neuvo?  
9 A. Until 2007.  
10 Q. And while you were with neuvo, was  
11 that your only job?  
12 A. Was it my only job.  
13 Q. Did you work for anyone else teen --  
14 A. No, not at that time.  
15 Q. And how many hours a week on average  
16 did you work at neuvo? Do you remember?  
17 A. Opened at nighttime. We arrive to  
18 work around like three, yeah.  
19 Q. And you worked until what time at  
20 night.  
21 A. Restaurant close at 1030, yeah and  
22 then weekends it close at 11, like Friday and  
23 Saturday, yeah.  
24 Q. And after you left neuvo, where did  
25 you go?

□

10

1 A. I believe I went back to California.  
2 Q. How long were you there for?  
3 A. Six, seven months.  
4 Q. What type of work did you do over  
5 there?  
6 A. I wasn't working.  
7 Q. So you came back to New York in 2008.

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8 A. Yeah.

9 Q. And when was the next time you worked  
10 again in the New York area?

11 A. It was Megu. I'm not sure though.

12 Q. Do you know how to spell that?

13 A. M-e-g-u.

14 Q. Was that a restaurant as well?

15 A. Yes, Japanese restaurant.

16 Q. Where is that located?

17 A. Midtown by the Trump tower, yeah.

18 Q. And how many days a week did you work  
19 there?

20 A. It was five days when I started.

21 Q. Did it stay five days the whole way  
22 through?

23 A. No.

24 Q. So was it more or less?

25 A. It was less, yeah.

11

1 Q. What type of work did you do with  
2 them?

3 A. I was a Sushi chef.

4 Q. Before you started working as a Sushi  
5 chef, did you receive formal training or did  
6 you --

7 A. Yes. Oh, it was back in California,  
8 yeah.

9 Q. Did you go to a school?

10 A. No, I was working in a restaurant. I  
11 left that one out. Yeah, it was called Sekana,

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12 also it's the same type, 2000, yeah, year 2000,

13 I believe.

14 Q. How long were you with Megu?

15 A. Megu for about a year, close to a

16 year.

17 Q. Can you estimate when you left?

18 A. I can't remember.

19 Q. 2009, 2010?

20 A. I believe it was 2010 but I didn't

21 start in 2008, though. There's something else

22 in 2008. I for got. I couldn't remember.

23 Q. Let's talk about Megu.

24 A. Okay.

25 Q. Now, as a Sushi chef, where were you

12

1 stationed in the restaurant?

2 A. The Sushi bar.

3 Q. So was it a bar where customers would

4 sit and see you?

5 A. Yes.

6 Q. And they would order sushi directly

7 from you or would they go through a server.

8 A. No, to the server.

9 Q. So when it was time to pay the

10 customer would pay the server or you?

11 A. The server.

12 MR. TAUBENFELD: Just let him finish

13 the question.

14 A. Oh, sorry.

15 MR. TAUBENFELD: So there's a clear

16 record.

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17 Q. Were you ever a server while you were  
18 at Megu or just a Sushi chef?

19 A. Sushi chef.

20 Q. After you left Megu, what was the  
21 next job?

22 A. I believe it was Neo.

23 Q. So Megu was the last job before you  
24 went to Neo Sushi.

25 A. Yes.

13

1 Q. Do you remember if you were  
2 unemployed between the time you left --

3 A. No.

4 Q. So you went straight from Megu to Neo  
5 Sushi?

6 A. No, I was unemployed.

7 Q. Excuse me?

8 A. I was unemployed. I was collecting  
9 unemployment.

10 Q. You were collecting unemployment.

11 A. Yes.

12 Q. How long were you collecting  
13 unemployment for?

14 A. Close to eight months I believe.

15 Q. When did you -- do you remember the  
16 first time you met May Leng Chen?

17 A. Oh, Tuesday and Sushi den.

18 Q. Is that a restaurant?

19 A. It's a restaurant in Long Island.

20 Q. Okay. Was that a place you were

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21 working? I don't think you mentioned that

22 before.

23 A. I wasn't there for long, yeah, I

24 forgot that one. It was after Megu, I went to

25 work at Tuesday and Sushi den. Sorry.

14

1 Q. No, that's okay. You can only tell

2 me what you remember. So what was the -- what

3 was the name of the restaurant? Can you spell

4 it out?

5 A. Two Steak and Sushi den.

6 Q. And that was on Long Island.

7 A. Long Island, hide Park Avenue.

8 Q. So that was in between Megu and Neo

9 sushi.

10 A. Yes.

11 Q. Do you remember what type of work she

12 did?

13 A. You mean May.

14 MR. TAUBENFELD: Objection to form.

15 You can answer.

16 A. May?

17 Q. Yes, if it's all right I'll call her

18 May.

19 A. Yes, she was a server.

20 Q. How long were you at Two Steak? Do

21 you remember?

22 A. I was there part time, yeah, I only

23 worked during the week ends. So it was like

24 couple of months I believe, yeah.

25 Q. Did Michele Chen work there?

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15

1 A. Yes.

2 Q. And do you recall what time of work  
3 she did?

4 A. She was a server.

5 Q. When was the first time you met  
6 Michele?

7 A. That was the first time.

8 Q. Did Johnny Shih work there?

9 A. I don't remember, no. I didn't see  
10 him there when I was working there if that's  
11 what you want to know.

12 Q. Yes.

13 A. Yeah. I didn't see him. I didn't  
14 see him there working when I was there.

15 Q. Can you repeat that last. I'm sorry,  
16 I'll just read it off the record. Okay. When  
17 was the first time you met Kwo Shin Chang?

18 A. Is that Jack.

19 Q. Mr. Chang the third-party defendant  
20 in this case.

21 MR. TAUBENFELD: Objection to the  
22 form but you can answer.

23 A. I met him in 2000 -- 2000 -- year  
24 2000 or 2001.

25 Q. Did he go by Jack?

16

1 A. Yes, I know him as Jack.

2 Q. Jack Chang?

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3 A. Jack Chang.

4 Q. How did you two meet?

5 A. It was through a friend of mine

6 Steven.

7 Q. Steven Wong.

8 A. Yes.

9 Q. How long have you known Mr. Wong?

10 A. Since 1993.

11 Q. Where did you meet Mr. Wong?

12 A. In Hong Kong.

13 Q. Were you two friends or coworkers?

14 A. Friends.

15 Q. When you met in Hong Kong you became

16 friends here, too?

17 A. Yeah, when we came back to the United

18 States, yes. We kept in touch.

19 Q. And what year was that?

20 A. 1997 I believe.

21 Q. And at that point you were both here?

22 A. Here meaning United States.

23 Q. United States, yes.

24 A. Okay. Yes.

25 Q. Before knee yo Sushi, did you ever

17

1 work with Mr. Wong?

2 A. Yes.

3 Q. Can you tell me the places again

4 where you two worked together?

5 A. Neuvo Sushi, Megu, Two Steak and Neo.

6 Q. And Neo?

7 A. Yes.

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8 Q. Neo Sushi you mean.

9 A. Yes.

10 Q. At neuvo, do you remember what

11 Mr. Wong's job was?

12 A. It was a head chef.

13 Q. While at neuvo, did Mr. Wong

14 supervise you?

15 A. Supervise me?

16 Q. Yes.

17 A. Not directly.

18 Q. Did he tell you what time to come in

19 to the restaurant to work?

20 A. That's a long while. I don't

21 remember.

22 MR. TAUBENFELD: It's okay if you

23 don't remember. Just say you don't

24 remember. That's fine.

25 A. I don't remember.

18

1 Q. Did he tell you what time you could

2 go home?

3 A. No.

4 Q. Did he give you instructions?

5 MR. TAUBENFELD: Objection to form.

6 Q. You can answer.

7 A. He would ask me to take this dish to

8 a certain table if that's what you meant.

9 Q. Anything else?

10 A. Sometime he'll ask servers, not just

11 me, like to clean -- if customer leaves he'll

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12 ask us to clear the Sushi bar owe the next

13 customer could sit, stuff like that.

14 Q. Now, neuvo, did you have time sheets?

15 A. I don't remember that. We clock in I

16 remember.

17 Q. So was there a machine or you checked

18 in with somebody?

19 A. Checked in with somebody.

20 Q. Was that person Mr. Wong?

21 A. His name is also Wong but it's not,.

22 Q. Steven Wong.

23 A. It's not Steven Wong. It's Fredy

24 Wong.

25 Q. Any relationship between the two?

19

1 A. Me and Freddy?

2 Q. No, between Steven and Freddy Wong

3 that you know of.

4 A. They are just friends.

5 Q. But not family?

6 A. No, not related.

7 Q. As Megu, do you remember what type of

8 work Steven Wong did?

9 A. Also Sushi. He's a chef.

10 Q. Was he a head chef?

11 A. No.

12 Q. Do you know if he did anything else

13 for Megu besides being a chef?

14 A. No.

15 Q. Did Mr. Wong ever tell you if he was

16 an investor or owner of neuvo?

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17 A. Yes.

18 Q. Was he?

19 A. He was the owner of neuvo.

20 Q. Did Jack Chang also own neuvo?

21 A. No.

22 Q. Do you remember who the other owners

23 of neuvo were?

24 MR. TAUBENFELD: Objection to form.

25 You can answer.

20

1 A. Freddy Wong.

2 Q. Anyone else?

3 A. There was other investors.

4 Q. Do you know if Mr. Jack Chang was an

5 investor?

6 A. No, he was not.

7 Q. When you left know view was Steven

8 Wong still there?

9 A. Yes.

10 Q. Do you know when he left?

11 A. Didn't remember.

12 Q. Did he ever tell you why he left?

13 A. Business was bad. He had to sell the

14 restaurant.

15 Q. Mr. Steven Wong, was he an owner of

16 Megu?

17 A. No.

18 Q. Do you know if he had any

19 responsibilities at Megu besides being a chef?

20 A. No.

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21 Q. Do you know when Mr. Wong left Megu?

22 A. I don't remember.

23 Q. Did he ever tell you why?

24 A. Oh, yes, he found another job.

25 Q. At Two Steak?

21

1 A. Yes, I believe that's what it is. It  
2 was higher pay so he left, yes.

3 Q. Was Mr. Wong an owner of Two Steak?

4 A. No.

5 Q. Mr. Chang, you said you met him in  
6 2000, 2001?

7 A. Somewhere around there, yes.

8 Q. And were you two -- did you two  
9 become friends as well?

10 A. Yes.

11 Q. Did you ever work -- before Neo  
12 sushi, did you ever work with Mr. Chang?

13 A. Yes.

14 Q. Where?

15 A. Two Steak.

16 Q. That was the first time.

17 A. Yes.

18 Q. Do you remember what type of work  
19 Mr. Chang did?

20 A. He was the manager there.

21 Q. Do you know if Mr. Chang was an owner  
22 or investor in Two Steak?

23 A. No.

24 Q. No he wasn't or no you don't know.

25 A. He wasn't.

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22

1 Q. He wasn't an investor.

2 A. No.

3 Q. Outside of work, how often did you  
4 see Mr. Wong?

5 MR. TAUBENFELD: Objection to form.

6 Q. On average?

7 MR. TAUBENFELD: You can answer the  
8 question.

9 A. It varies. Because sometimes we meet  
10 the entire town.

11 Q. You socialize.

12 A. Yes.

13 Q. Did you socialize outside much  
14 Mr. Chang?

15 A. Not as much as Mr. -- with Steven.

16 Q. When was the first time you heard of  
17 Neo Sushi?

18 A. Through Steven Wong.

19 Q. Do you remember the conversation?

20 A. I can't recall that.

21 Q. Do you recall Mr. Wong talking with  
22 you about his investment in Neo Sushi?

23 A. He might have mention it but I don't  
24 quite remember the whole, you know.

25 Q. Do you recall him mentioning that he

23

1 would be an owner?

2 A. Part owner he mentioned, not full

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3 owner.

4 Q. Did he mention Mr. Chang also being a  
5 part owner in Neo Sushi?

6 A. Yes.

7 Q. Were these conversations before you  
8 went to Neo Sushi?

9 A. Yes.

10 Q. Do you remember how long between the  
11 conversation and when you went to go work for  
12 Neo Sushi?, months, weeks, days?

13 A. Weeks.

14 Q. Did Mr. Wong invite you to get a job  
15 at Neo Sushi?

16 A. Yes.

17 Q. Can you describe how did that work?  
18 Did you have an interview?

19 A. It's over the phone.

20 Q. Who did you speak to over the phone?

21 A. Steven.

22 Q. Before you went to work at Neo Sushi,  
23 did you speak with anybody else from Neo Sushi  
24 besides Mr. Wong and Mr. Chang?

25 A. No.

24

1 Q. When you spoke with Mr. Wong about a  
2 position with Neo Sushi, was this to be a Sushi  
3 chef?

4 A. Yes, assistant Sushi chef, yes.

5 Q. Now, once you were there working at  
6 Neo Sushi, were you -- was there a Sushi  
7 station?

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8 A. You mean a Sushi bar?

9 Q. Yes.

10 A. Yes.

11 Q. And would customers sit at the bar?

12 A. Yes.

13 Q. And how would you take orders? would

14 you take them from the customers or from the

15 server?

16 A. It varies. Sometimes customer like

17 to order through the chefs and sometime they

18 like to take orders from the servers.

19 Q. If the order came from the server,

20 the customer would pay the server. Is that

21 correct?

22 A. Yes.

23 Q. Now, if the customer came to you to

24 the bar, how would they pay?

25 A. Also pay to the servers.

25

1 Q. Not to you?

2 A. Not to me.

3 Q. So no cash to you, no credit cards,

4 nothing like that.

5 A. No.

6 Q. Did you ever order supplies for --

7 A. No.

8 Q. -- for the restaurant?

9 A. No.

10 Q. Did you ever deal with any delivery

11 people, vendors, that sort of thing over the

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12 phone.

13 A. No.

14 Q. Or over the computer?

15 A. No.

16 Q. Now, going back to the time right

17 before you said you came to Neo Sushi, did

18 Mr. Wong speak to you about salary?

19 A. Yes.

20 Q. Did he say he paid by the hour or was

21 a set rate per month or week?

22 A. By the hour.

23 Q. Do you remember how -- do you

24 remember what he said you would be paying an

25 hour?

26

1 A. He told me that Brendon which is

2 Mr. Ly would only pay me \$10 an hour.

3 Q. Did you ever speak to Mr. Ly before

4 you started working at Neo Sushi?

5 A. Not really.

6 Q. I don't understand your answer.

7 A. You mean like spoke to him in person?

8 Q. Over the phone, in person?

9 A. No.

10 Q. Aside from 10 collars an hour, do you

11 remember what else Mr. Wong told you about what

12 your compensation, wages, anything like that

13 would be?

14 A. Just the 10 collars an hour.

15 Q. Did he speak you about over time?

16 A. No.

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17 Q. Did he speak to you about what your  
18 hours would be?

19 A. Yes.

20 Q. And what do you remember?

21 A. This was from -- actually let me  
22 rephrase that. It was Monday to Wednesday.

23 It's from three p.m. to 11 p.m. And then

24 Thursday to Saturday it's from three p.m. to 12

25 a.m.

27

1 Q. Did Mr. Wong talk to you about  
2 vacation?

3 A. No.

4 Q. Or your ability to take time off.

5 A. No.

6 Q. Or sick days?

7 A. No.

8 Q. Do you remember what type of work  
9 Mr. Wong did at Neo Sushi?

10 A. He was a head chef.

11 Q. Did you ever see Mr. Wong in the  
12 office of the restaurant?

13 MR. TAUBENFELD: Objection to form.

14 A. There was no office at Neo Sushi.

15 Q. Do you remember when you started  
16 working at Neo Sushi?

17 A. It was in July 25.

18 Q. Of what year?

19 A. 2011 I believe. 2011.

20 Q. And how long did you stay there

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21 until?

22 A. Until December 3rd of 2011.

23 Q. Now, when you were at Neo Sushi,

24 every day you came in, did you clock in?

25 A. No.

28

1 Q. So how would people know you were

2 there, just by showing up and seeing you.

3 A. Yes.

4 Q. At the end of the day did you have to

5 sign out or how would people know that you were

6 going to leave or did you just leave?

7 A. We just -- we all leave together. We

8 clean up everything, everything is clean up and

9 then we -- everybody leaves at the same time

10 pretty much.

11 Q. Did you ever have to submit a time

12 sheet?

13 A. I don't recall having seen one.

14 Q. Do you recall anyone ever asking you

15 to fill out your time?

16 A. No.

17 Q. Let me show you this as an exhibit.

18 I'm going to mark this as Wu one.

19 (Wu one is marked.)

20 Q. Does this document look familiar to

21 you?

22 A. No.

23 Q. You've never seen this document

24 before.

25 A. No. Well, I've seen it.

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29

1 Q. Before the litigation have you ever  
2 seen this document before.

3 A. Yes.

4 Q. Where did you see it?

5 A. Yesterday.

6 MR. TAUBENFELD: I don't think he  
7 understand its question you asked.

8 Q. Let me rephrase. Before the lawsuit,  
9 when you were still at Neo Sushi, did you ever  
10 see this documents before?

11 A. No.

12 MR. TAUBENFELD: For the record, this  
13 is an eight page document, no Bates stamp.

14 Q. Jack Chang is Kwo Shin Chang,  
15 correct?

16 A. I believe so.

17 Q. And Brandon Lee is Vinh see Ly?

18 A. I believe so.

19 Q. And May Chan is May Leng Chan. Is  
20 that correct?

21 A. Yes.

22 Q. And Steven Wong, that's your friend  
23 from a long time.

24 A. Yes.

25 Q. Johnny Shih, when did you meet Johnny

30

1 Shih, do you remember the first time?

2 A. I believe that's the first time I met

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3 Johnny.

4 Q. At Neo Sushi?

5 A. Yes.

6 Q. Do you remember what type of work he  
7 did at Neo Sushi?

8 A. Always Sushi chef.

9 Q. Who is Mr. Ken Zheng?

10 A. Ken Zheng is another Sushi chef.

11 Q. You mentioned you were an assistant  
12 sushi chef. Was there a head sushi chef?

13 A. Steven Wong.

14 Q. Steven Wong was ahead Sushi chef.

15 A. Yes.

16 Q. So Mr. Wong was there with you while  
17 you were doing your -- while you were doing  
18 your work.

19 MR. TAUBENFELD: Objection to form  
20 but you can answer.

21 A. Most of the time.

22 Q. Was Mr. Wong giving you instructions?

23 A. Yes.

24 Q. Direction?

25 A. What do you mean by direction?

31

1 Q. Just telling you to do things, things  
2 having to do with your job.

3 A. Yes.

4 Q. If you had to take a break to go to  
5 the bathroom or something like that, who would  
6 you tell?

7 MR. TAUBENFELD: Objection to form  
Page 26

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8 you can answer.

9 A. Steven.

10 Q. who is Spencer Chang?

11 A. ^^Spencer Chang works in the kitchen.

12 Q. Did you ever meet him before Neo

13 sushi?

14 A. Yes.

15 Q. where did you meet him before?

16 A. Outside.

17 Q. Did you meet him in any other place

18 you worked in the past before Neo Sushi?

19 A. Yes.

20 Q. which restaurant?

21 A. Restaurant in New Jersey, Princeton,

22 New Jersey. It's called -- I forgot the name.

23 Q. This is another place, not one of the

24 ones you mentioned before.

25 A. No, different place. It's called --

32

1 Q. Do you remember what year? Was it

2 before nuovo, was it before Megu, can you

3 estimate that?

4 A. It was after Megu.

5 Q. Two Steak?

6 A. After Two Steak I believe.

7 Q. So just before you went to Neo Sushi

8 sushi?

9 A. Yes.

10 Q. Do you know if Mr. Wong knew

11 Mr. Spencer Chang before Neo Sushi?

CHAN - 041613 - SUNNY WU - HUDSON\_ROUGH DRAFT.txt  
12 A. Yes.  
13 Q. Do you know from where?  
14 A. Mr. Chang.  
15 Q. Do you know how Mr. Wong knew  
16 Mr. Chalk?  
17 A. They are relatives.  
18 Q. Do you know, can you sayens?  
19 A. Uncle and nephew.  
20 Q. who's the nephew?  
21 A. Spencer.  
22 Q. what type of work does Spencer do?  
23 Dead at Neo Sushi?  
24 A. He was a kitchen chef. He works in  
25 the kitchen.

33

1 Q. Who is Wong Liang Zhu? (^mark^)?  
2 A. I don't remember that name. Is there  
3 another -- go by another name?  
4 Q. Not to my knowledge.  
5 A. Then I -- sometime they call by  
6 different name. Alfredo, do you know who that  
7 is.  
8 A. Rong Liang Zhu.  
9 Q. On page two if you can --  
10 A. Alfredo, he works in the kitchen.  
11 MR. TAUBENFELD: Turn so the second  
12 page.  
13 Q. Yeah, if you could turn to the second  
14 page. who's Alfredo?  
15 A. He's one of the kitchen worker.  
16 Q. Now going to the next page, page

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17 three. who is go to frayed do gar see I don't?

18 A. He's also one of the kitchen worker.

19 Q. Do you know what type of work he did

20 besides kitchen work? Like cub a limb more

21 specific? If you remember.

22 A. I don't quite remember. One was --

23 one does -- he help, also does the dishes too.

24 So I forgot which it was.

25 Q. who is Fermin?

34

1 A. Don't remember.

2 Q. Can you please go to the next page,  
3 page four.

4 Q. who's Jackie, on the bottom there.

5 A. Jackie was another Sushi helper.

6 Q. So she was a helper.

7 A. Yes.

8 Q. So all the people that worked at the  
9 sushi bar, Mr. Wong was in charge.

10 A. Yes.

11 Q. And he would tell them what to do,  
12 how to prepare the sushi, that kind of thing?

13 A. Yes.

14 Q. Dealing with the orders?

15 A. Yes.

16 Q. Now, at the time Mr. Wong invited you  
17 to come work at Neo Sushi and you talked about  
18 salary, what you'd be making per hour, did he  
19 ever put any of that in writing?

20 A. No, just verbal.

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21 Q. Do you remember the first time you

22 met Mr. Ly?

23 A. Yes, in Two Steak.

24 Q. At Two Steak?

25 A. Two Steak Sushi, yeah.

35

1 Q. What was Mr. Ly's -- what did he do

2 at Two Steak?

3 A. He was a server.

4 Q. Do you know if he was an owner of Two

5 Steak?

6 A. No.

7 Q. Or investor?

8 A. No.

9 Q. When Mr. Wong first talked to you

10 about Neo Sushi and mentioned that he was going

11 to be an investor or owner, part owner. Did he

12 say that Mr. Ly would also be a part owner?

13 A. He's the main owner he said.

14 Q. Was he more specific than main owner?

15 A. He's the -- I don't know how to put.

16 Q. Did he say he was 50 percent? Did

17 he -- was he more specific than just saying

18 main owner?

19 MR. TAUBENFELD: Objection to form.

20 You can answer the question.

21 A. I don't know what else. No, he

22 didn't mention any percentage like he's the ...

23 Q. After you left Two Steak and before

24 you went to work at Neo Sushi, did you ever

25 speak to Mr. Ly?

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36

1 A. Before Neo Sushi?  
2 Q. Yes.  
3 A. No.  
4 Q. When was the first time you saw  
5 Mr. Ly at Neo Sushi?  
6 A. When I came to work at Neo.  
7 Q. The first day, the second day?  
8 A. The first day.  
9 Q. Did you see Mr. Ly there every day  
10 you were there?  
11 A. Yes.  
12 Q. What was he doing?  
13 A. He was sitting by the cash register.  
14 Q. Did you see him do other things?  
15 A. Yeah, playing with his phone.  
16 Q. Anything else?  
17 A. On the computer and then sometime he  
18 would go out of the room. If there's customer  
19 he will, you know, kind of talk with them, you  
20 know. Stuff like that.  
21 Q. On average how many times a day or  
22 how many times would you talk to Mr. Ly during  
23 the evening that you were working?  
24 MR. TAUBENFELD: Objection to form.  
25 You can answer.

37

1 A. I don't remember. Came in, say  
2 hello, you know, during work, you know,

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3 sometimes we have small talks. I don't

4 remember how many times.

5 Q. Did Mr. Ly ever talk to you about the  
6 sushi bar?

7 MR. TAUBENFELD: Objection to form.

8 You can answer the question.

9 A. He would talk to Steven.

10 Q. Would Mr. Ly ever talk to you about  
11 how to do your job?

12 A. No.

13 Q. Would Mr. Ly ever give you things to  
14 do?

15 A. I don't remember.

16 Q. Did you see Mr. Ly at Neo Sushi in  
17 the restaurant, did you see Mr. Ly talk to  
18 Ms. Chan?

19 A. Yes.

20 MR. TAUBENFELD: Objection just to be  
21 clear is that Michele or May Chan.

22 Q. Thank you, May Chan?

23 A. Yes.

24 Q. How about Michele Chan?

25 A. Yes.

38

1 Q. How often would you say on average?

2 A. Like I say it varies because most of  
3 the time we're behind the sushi bar working so  
4 I can't see how often they talk.

5 Q. Could you hear what they were talking  
6 about?

7 A. Not really.

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8 MR. SALVA: Could we take a short  
9 break?

10 MR. TAUBENFELD: Sure.

11 (There is a recess taken.)

12 Q. Mr. Wu, were there instances where  
13 you worked over time in Neo Sushi?

14 MR. TAUBENFELD: Objection to form.

15 You can answer.

16 A. Came in to work and leave pretty much  
17 the same time. So how many hours is that,  
18 eight hours.

19 Q. So what time did you come in every  
20 day?

21 A. Three.

22 Q. And what time did you leave?

23 A. Leave like I said earlier, Monday  
24 through Wednesday we leave at 11 and then  
25 Thursday through Saturday we leave at 12 a.m.

39

1 Q. But you always came in at three.

2 A. Always three.

3 Q. Did you have breaks while you were  
4 working besides just running to the bathroom  
5 but did you have a lunch break for example?

6 A. I wouldn't call it a lunch break.

7 Q. Or time to eat.

8 A. We eat. But it was like 10, 15  
9 minutes.

10 Q. Where would you go?

11 A. It was at the dining area.

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12 Q. Did you ever go like take a walk or  
13 run an errand or --  
14 A. No, just right after our meal we just  
15 went back to our station and start working.  
16 Q. And that meal was how long.  
17 A. 10 minutes.  
18 Q. Was it at the same time every day?  
19 A. You mean the meal or,.  
20 Q. The break, the time to eat the 10 to  
21 15 minutes you're saying or the 10 minutes.  
22 A. Pretty much. Give or take, yeah,  
23 it's around there.  
24 Q. Did you take any days off during your  
25 time at Neo Sushi?

□

40

1 A. Not that I remember because we close  
2 on Sunday.  
3 Q. So besides Sunday did you take any  
4 other day off?  
5 A. Not that I remember.  
6 Q. Did you ever take a sick day?  
7 A. No.  
8 Q. Did you ever work half a day?  
9 A. Might have came in late couple of  
10 days maybe. How many I don't remember. Half  
11 day -- sometimes you come like an hour late,  
12 yeah, I wouldn't call it a half a day.  
13 Q. So when you came in an hour late,  
14 were you paid for that hour?  
15 A. No.  
16 Q. Did you ask for permission to come in

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17 late?

18 A. Yes.

19 Q. Did you ever leave early?

20 A. No.

21 Q. Now, when you came in an hour late,  
22 did you tell somebody in advance that you were  
23 going to be late?

24 A. Yes.

25 Q. Who would you tell?

41

1 A. I would call Steven and then he'll

2 relay the message to Brendon.

3 Q. Did you ever see him relay the

4 message to Brendon?

5 A. Not that I remember, no. But he'll

6 tell me go out and let Brendon know over the  
7 phone.

8 Q. When you were at Neo Sushi and an  
9 hour late for example, were you ever given the  
10 opportunity to make up the time?

11 A. No.

12 Q. Did they give you at Neo Sushi, did  
13 you receive a performance evaluation?

14 A. No.

15 Q. Did they ever tell you how you were  
16 doing at your job?

17 MR. TAUBENFELD: Objection to form.

18 A. No.

19 Q. Did Mr. Wong ever tell you you were  
20 doing a good job?

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21 A. I don't remember.

22 Q. How about Mr. Ly? Did he ever tell  
23 you you were doing a good job?

24 A. I can't remember that either, yeah.

25 Q. How about Mr. Chang?

42

1 A. Mr. Chang? Don't remember.

2 Q. Now, what did Mr. Chang do at Neo  
3 sushi?

4 A. He was the manager.

5 Q. Did you talk to Mr. Chang when you  
6 were at Neo Sushi?

7 A. Yes, like small talks.

8 Q. Would you talk to him more or to  
9 Mr. Ly?

10 A. It varies, yeah. Sometime we all  
11 join the conversation, you know together.

12 Q. Did you talk about work?

13 A. Mostly small talk social, not ...

14 Q. Now, I do have one more question on  
15 the exhibit. If you could just flip through.  
16 Just the pages with the spread sheet not the  
17 end with the ID's but just the pages of the  
18 spread sheet.

19 MR. TAUBENFELD: I'm sorry you want  
20 him to look through the six pages?

21 Q. Please. Take your time I don't mean  
22 to rush you. Just flip through it. Take your  
23 time by all means. Do you know why your name  
24 is not on here?

25 A. I can't give you an answer. I really  
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43

1 don't know why. Because I never seen this  
2 document before during my time at Neo.

3 Q. Okay. Thank you. Did Mr. Wong ever  
4 complain to you about your work?

5 A. Not really.

6 Q. Not really or --

7 A. No.

8 Q. Did Mr. Ly ever complain to you about  
9 your work?

10 A. No.

11 Q. How about Mr. Chang?

12 A. No.

13 Q. How often do you think you were  
14 supposed to be paid while you were at Neo  
15 sushi?

16 MR. TAUBENFELD: Objection to form.

17 A. weekly.

18 Q. Is that what Mr. Wong told you.

19 A. Yes.

20 Q. Did Mr. Ly ever tell you that you  
21 would be paid weekly?

22 A. I don't remember.

23 Q. Now, as a Sushi chef, did you receive  
24 tips?

25 A. No. Not for me. Supposed to but I

44

1 never got.

2 Q. what do you mean by supposed to?

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3 A. So far most of the Sushi restaurant I  
4 work for, Sushi bar does get tips for the  
5 chefs.

6 Q. Well, did Mr. Wong tell you you would  
7 get tips?

8 A. Supposed to, yes.

9 Q. How would though work because if you  
10 weren't dealing with the customers, how would  
11 tips work?

12 A. There were customers sitting at the  
13 sushi bar. So we get part of the tips because  
14 like I told you before customers sometimes  
15 order through us. Most of the time we take the  
16 orders when they sit down at the Sushi bar we  
17 would greet them and ask them, you know and  
18 then the server would, you know, sort of serve  
19 them drinks and stuff, or offer them drinks.

20 Q. So the customers never offered you  
21 tips while you were at Neo Sushi.

22 A. No.

23 Q. And the servers would not share their  
24 tips with you.

25 MR. TAUBENFELD: Objection to form.

45

1 A. They might have but I never got them.  
2 I never got any tips.

3 Q. So he never shared their tips with  
4 you.

5 MR. TAUBENFELD: Objection to form.

6 Q. If they got tips they never shared  
7 them with you?

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8           A.    Like I said I never got them.  They  
9   might have, you know.  Steven might have some  
10   but I never got any.

11          Q.    You were supposed to be paid every  
12   week.  Is that what your testimony is?

13          A.    Yes.

14          Q.    Were there weeks where you were not  
15   paid at all?

16          A.    No.

17          Q.    Do you remember which ones?

18          A.    Okay, well let me put it this way  
19   through out the whole period of time that I  
20   work at Neo, I only got paid four times as I  
21   remember pretty much four times.

22          Q.    Did you ever complain to anyone at  
23   Neo Sushi about how they were paying you?

24          A.    Yes.

25          Q.    Who did you complain to?

46

1           A.    Steven.

2           Q.    Do you remember the first time you  
3   complained to him?

4           A.    It was the first week I remember I  
5   think.  It was the first week that we didn't  
6   get pay and then I asked Steven and he was, oh,  
7   I'll found out from Brendon.

8           Q.    How often did you complain to Steven  
9   about not getting paid?

10          A.    Well, when I don't get paid that week  
11   I would ask and he will always tell me that

CHAN - 041613 - SUNNY WU - HUDSON\_ROUGH DRAFT.txt  
12 he'll ask Brendon.

13 Q. Did you ever go to Mr. Chang, Jack,  
14 to complain?

15 A. No. Steven was my supervisor. Most  
16 of the complaint I go through him.

17 Q. Did you ever put your complaint to  
18 Mr. Wong in writing?

19 A. No.

20 Q. Did you ever send him an e-mail?

21 A. No.

22 Q. Did you ever go to Brendon and  
23 complain to him correctly?

24 MR. TAUBENFELD: I'm sorry, I don't  
25 know if you already put on the record that

47

1 Brendon is Mr. Ly just so we have a clear  
2 record.

3 MR. SALVA: Yes, I think that's been  
4 established on a few occasions but thank  
5 you.

6 Q. Did you ever go to Mr. Ly to  
7 complain?

8 A. No.

9 Q. Why didn't you?

10 A. Because like I said Steven was my  
11 supervisor. I mostly go through him.

12 Q. Did you ever talk to May about your  
13 not getting paid?

14 A. No. Well --

15 Q. While you were at Neo Sushi, while  
16 you were still at Neo Sushi did you ever talk

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17 to May? I'll start over. While you were still  
18 at Neo Sushi, did you ever complain to May, may  
19 Chan about your not getting paid?

20 A. Actually we all complained about not  
21 getting paid.

22 Q. But did you talk to each other? Did  
23 you talk to May? Did you talk to Michele,  
24 Johnny? Did you talk to each other?

25 A. Yes, of course.

48

1 Q. And did you guys do anything -- this  
2 is -- my question is while you were still at  
3 Neo Sushi, did you ever think of approaching  
4 Mr. Ly together?

5 A. No.

6 Q. Or Mr. Wong?

7 A. How can I put it? We just go through  
8 our supervisor. They would go through their  
9 supervisor, manager, Jack.

10 Q. And what would they tell you?  
11 After -- they said they'd go three their  
12 supervisor. Is that correct?

13 A. Yes.

14 Q. And then what would they tell you  
15 after they spoke to Jack, for example?

16 A. Pretty much the same answer.

17 Q. Which was?

18 A. Next week.

19 Q. Why didn't you go to Mr. Ly?

20 A. I usually don't -- I don't know.

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21 We -- the way we work as I work most of the  
22 restaurants we don't go through the owner. We  
23 just talk to our supervisor and then or the  
24 manager and then they go through the owner.

25 Q. But Mr. Wong was an owner, too.

49

1 A. He's my supervisor also. So a lot of  
2 times when Brendon was to relay messages or  
3 something to us, he would go through Steven and  
4 Steven would tell us. So that's how it works.

5 Q. Before you left Neo Sushi in December  
6 of 2011, why didn't you quit before?

7 MR. TAUBENFELD: Objection to form.

8 A. If I quit we all discuss about  
9 quitting. If we quit we would never get paid.

10 Q. Did you have another job while you  
11 were at Neo Sushi?

12 A. No. You mean after?

13 Q. No, while you were there, like at the  
14 same time. Do you remember anything part time,  
15 on the side?

16 A. No.

17 MR. SALVA: I'd like to mark this as  
18 Wu 2.

19 (One page of a document is  
20 marked as Wu 2 for Identification.)

21 Q. Do you recognize this document,  
22 Mr. Wu?

23 A. Yes.

24 Q. Can you describe it for the record?

25 A. It's my Wtwo for 2011.

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50

1 MR. TAUBENFELD: Also for the record

2 its Bates stamped P9.

3 Q. Who is don't U.S.A.?

4 A. It's a Ramen restaurant in edge

5 water.

6 New Jersey.

7 Q. When were you working for them?

8 A. After Neo. I was lucky to found this

9 job.

10 Q. So was this --

11 A. December.

12 Q. So this is just December?

13 A. Yeah, just December.

14 Q. I'd like to pass as Wu 3, next

15 exhibit.

16 (Next exhibit is Wu 3.)

17 Q. So this is for the record can you

18 describe this document?

19 A. Yes, this is my W2 year 2012.

20 Q. And this is for the same employer you

21 have after Neo Sushi?

22 A. Yes.

23 Q. Are you still with them?

24 A. No.

25 Q. What type of work did you do for

51

1 them?

2 A. Line cook.

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3 Q. Can you describe a little bit what

4 that means?

5 A. Line cook is pretty much does

6 prepping, setting up, doing cooking.

7 Q. When did you leave that employer?

8 A. This employer? Recently, two -- give

9 me one second.

10 Q. Take your time. It was in February.

11 Q. Are you working now?

12 A. Yes.

13 Q. Where are you working?

14 A. In Brooklyn.

15 Q. What is the name of the employer?

16 A. It's called Ganso, G-a-n-s-o. it's

17 also a Ramen place.

18 Q. What kind of work are you doing for

19 them?

20 A. Line cook.

21 Q. At dome U.S.A. did \may\May Chan work

22 with you.

23 A. No.

24 Q. How about Michele Chan?

25 A. No.

52

1 Q. Johnny Shih?

2 A. No.

3 Q. Mr. Wong?

4 A. No.

5 Q. Whore Mr. Jack Chang.

6 A. No.

7 Q. At the new place you're now at

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8 Brooklyn, are any of your other plaintiffs  
9 working with you?

10 A. No.

11 Q. How about Mr. Wong?

12 A. No.

13 Q. Or Mr. Chang?

14 A. No.

15 Q. Are you an owner the new place in  
16 Brooklyn?

17 A. No.

18 Q. You could put that aside. Thank you.

19 Q. When you were at Neo Sushi, did you  
20 ever see a sign something on a wall that said  
21 anything to do with -- you know, that said  
22 something about salary or your rights as an  
23 employee.

24 A. No.

25 Q. Did anyone -- did you ever ask for

53

1 that to be put up?

2 A. It didn't cross my mind.

3 Q. Did you know how -- let me rephrase.

4 Did Mr. Wong ever talk to you while you were at  
5 Neo Sushi, did he ever talk to you about how  
6 the restaurant was doing in terms of money,  
7 revenue, that type of thing?

8 A. No.

9 Q. Did he ever tell you that the  
10 restaurant was having problems?

11 MR. TAUBENFELD: Objection to form.

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12 You can answer.

13 A. I don't remember.

14 Q. Did Mr. Wong ever complain to you  
15 about Brendon Ly?

16 A. A little bit.

17 Q. What did he complain about?

18 A. Money issues.

19 Q. Do you remember anything more  
20 specifically?

21 A. Like he's not getting paid so --

22 Q. Who's he?

23 A. Steven Wong, yeah. And then --  
24 because sometimes when I ask him for money, I  
25 mean about our pay and he goes I'm also not

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1 getting paid by Brendon either. So he --  
2 sometime he get frustrated when we ask too much  
3 so he goes I'm also not getting paid.

4 Q. Do you remember how many times Steven  
5 Wong would tell you this?

6 A. I don't remember. I do remember he  
7 did complain about it. But how many times, I  
8 don't remember.

9 Q. Did Mr. Chang ever complain to you  
10 about Brendon Ly?

11 A. Probably did. I don't remember.  
12 Yeah, it's been a while.

13 Q. Besides Steven Wong complaining about  
14 not getting paid, do you remember him  
15 complaining about anything else about Mr. Ly?

16 A. I don't recall.

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17 Q. When did you leave Neo Sushi?  
18 MR. TAUBENFELD: Objection to form.  
19 You can answer.  
20 A. We didn't actually leave.  
21 Q. Well you tell me. When did you stop  
22 working at Neo Sushi?  
23 A. December 3rd of 2011.  
24 Q. How did your employment end at Neo  
25 sushi?

55

1 A. We came to work one day. The door  
2 was locked. Nobody was there and we call -- I  
3 call Steven and he told me that Brendon has  
4 changed the locks and they couldn't even get  
5 in.  
6 Q. What did you -- after you spoke to  
7 Steven the first time, did you talk to him  
8 later about what happened?  
9 A. Yes, we did. I ask.  
10 Q. What did he tell you?  
11 A. Just go Brendon change locks. So I  
12 just -- we just go for why? He go he say I  
13 don't know. He just all of a sudden he just  
14 change the locks. Lock us all out.  
15 Q. Did you ever talk to Mr. Ly about  
16 what happened?  
17 A. I don't have his phone number, never.  
18 You mean like after?  
19 Q. After he locked the doors and you  
20 were no longer with Neo Sushi before the

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21 lawsuit, did you ever talk to Mr. Ly again?

22 A. No.

23 Q. You've not spoken to him since.

24 A. No.

25 Q. December 3rd, 2011?

56

1 A. No.

2 Q. Do you have any emails from Mr. Ly?

3 A. No.

4 Q. Did Mr. Wong ever tell you why the  
5 doors were locked?

6 MR. TAUBENFELD: Objection to form.

7 You can answer.

8 A. It's got to do with money. It's got  
9 something to do with money.

10 Q. Do you remember more specifically?

11 A. I don't remember. It's because of  
12 money issues and then they just, you know, he  
13 just shut, close down. He just changed the  
14 door -- changed the lock. I usually don't ask  
15 more question -- more than I supposed to.

16 Q. Did you know how the restaurant  
17 was -- let me rephrase. Did you think the  
18 restaurant was having a financial problem?

19 A. I think so because we're not getting  
20 paid what we're supposed to.

21 Q. Were there a lot of customers in the  
22 restaurant?

23 A. It was -- it was a decent business.  
24 I mean we have decent customers that come in  
25 regularly. Business was okay. I mean I

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1 wouldn't say like packed but it was okay.

2 Q. On a Saturday night would the place  
3 be full or half empty or what do you remember?

4 A. Full, yeah. It's not a very big  
5 restaurant. It's a very small but it would  
6 pack up really fast.

7 Q. Were you surprised when Mr. Wong told  
8 you that the restaurant was having financial  
9 problems?

10 A. Yes.

11 Q. How well do you think it was doing?

12 MR. TAUBENFELD: Objection to form.

13 A. Average.

14 Q. What's average to you?

15 A. Because average means that there's  
16 business, I mean there's -- the restaurant have  
17 like customers that comes in every day. That's  
18 average. I mean I wouldn't say like packed.

19 Q. Did Mr. Wong ever tell you how much  
20 money they made a week or a night or?

21 A. No.

22 Q. He never shared that information with  
23 you.

24 A. I never ask.

25 Q. When you complained to Mr. Wong about

58

1 not getting paid and you said if I recall your  
2 testimony you said that you'd get paid the

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3 following week and that he also was not getting  
4 paid as well. Did he give you a reason why  
5 this was happening?

6 MR. TAUBENFELD: Objection to form.

7 A. He would just say just Brendon  
8 doesn't have the money yet., something like  
9 that.

10 Q. Did Mr. Wong ever tell you to stop  
11 complaining?

12 A. No.

13 Q. As my next exhibit I'd like to as P4  
14 a copy of the complaint.

15 (Wu 4 is marked.)

16 Q. Feel free to take a look at it as  
17 long as you need. I'm not going to ask you any  
18 legal stuff. I'd like you to please take a  
19 look, sir, on page eight. Paragraph 48. Read  
20 that paragraph to yourself.

21 A. Do I read.

22 Q. To yourself. You don't have to read  
23 it out loud. That's all right. Are you saying  
24 here and I'm not asking you to tell me anything  
25 about the law, that's your lawyer's job. But

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1 are you saying here that you were terminated  
2 from Neo Sushi because you complained?

3 MR. TAUBENFELD: Objection to form.

4 I just want to make it clear that this is  
5 a complaint that was filed by his  
6 attorney. It's not saying anything here  
7 specifically.

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8 MR. SALVA: But essaying that he was  
9 retaliated against and I just want to  
10 establish the basis for his belief for  
11 that. I'm not asking him to draw a legal  
12 conclusion. I'm asking for a factual --  
13 I'm now only asking for factual testimony.

14 MR. TAUBENFELD: I understand. He's  
15 not saying anything that's specifically in  
16 the complaint. If you're asking if he was  
17 retaliated against that's a fair question.  
18 But part owner graph 48 is not his  
19 testimony.

20 MR. SALVA: I understand. I'm just  
21 using it as a reference point.

22 MR. TAUBENFELD: Okay.

23 Q. Let me repeat the question, were you  
24 terminated from Neo Sushi because you  
25 complained about not getting paid?

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1 A. I guess so. He shut the door. We  
2 don't know what happened. But we ask -- if  
3 asking for money is considered complaining, I  
4 guess so.

5 Q. But do you believe that's the reason  
6 that he shut the doors?

7 A. That I really don't know if what  
8 Mr. Ly was doing. Until this day I still, you  
9 know, asking myself that question. Is it  
10 because due to our complaint or due to he  
11 doesn't want to pay us because he shut the

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12 doors.

13 Q. Is it possible the restaurant was  
14 having money problems?

15 MR. TAUBENFELD: Objection to form.

16 Q. And couldn't pay you?

17 A. Like I said could the restaurant was  
18 having -- the business was average.

19 Q. But do you know anything about how  
20 much they were paying in rent? Do you know how  
21 much Neo Sushi was paying for their supplies,  
22 their electric? Do you have any information  
23 about that?

24 A. No.

25 Q. So you really don't know how well or

61

1 bad they were doing?

2 A. No.

3 Q. And Mr. Wong never told you?

4 A. I don't remember.

5 Q. Since you left Neo Sushi and when you  
6 had that conversation with Mr. Wong about the  
7 closing on the doors before the litigation,  
8 before the case started, did you speak to him?

9 A. Speak to who?

10 Q. Mr. Wong, Steve Wong.

11 A. Yes.

12 Q. Are you two still friends?

13 A. Yes, we are. It's not his fault.

14 Q. No, I didn't ask that. After he left  
15 Neo Sushi, do you know where he went, what type  
16 of job he took?

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17 A. I don't remember.  
18 Q. Do you know if he owns another place  
19 now?  
20 A. No.  
21 Q. Or if he's an investor in another  
22 place.  
23 A. No.  
24 Q. Do you know what type of work he's  
25 doing now?

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1 A. Yeah, he's Sushi, also work as Sushi  
2 chef.  
3 Q. Do you know where?  
4 A. Yeah, in Millburn.  
5 Q. New Jersey?  
6 A. Yes.  
7 Q. Do you know if Mr. May Chan is  
8 working with him?  
9 A. No.  
10 Q. Or Michele Chan?  
11 A. No.  
12 Q. What is -- do you know what may Chan  
13 is doing now? For a job?  
14 A. Yes. She's working at Haru, H-a-r-u.  
15 Q. Do you know what type work Michele  
16 Chan is doing now?  
17 A. Michele Chan. You asked me may Chan  
18 earlier.  
19 Q. Right. I'm asking about Michele. Do  
20 you know what type work she's doing now?

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21 A. She's also working at Haru part time.

22 Q. Is Mr. Chang working at Haru as well?

23 A. No.

24 Q. Do you know what Mr. Chang is doing

25 now?

63

1 A. I believe he's working at the blue

2 ribbon Sushi.

3 Q. Do you know if he's an owner of the

4 place?

5 A. No.

6 Q. Partner?

7 A. No.

8 Q. Do you know where Johnny Shih is?

9 A. Johnny Shih I heard he went to

10 Malaysia.

11 Q. When did he go to Malaysia?

12 A. I really don't know.

13 Q. Do you have any idea when he's o

14 coming back?

15 A. Don't know either.

16 Q. Do you know why he went over there?

17 A. I believe he's getting married.

18 Q. That's nice. Do you know if he's

19 planning on staying there?

20 A. That I really don't know.

21 Q. Did you see when you were at Neo

22 sushi, did you see Michele Chan a lot at the

23 restaurant?

24 A. Yes, she was there every day.

25 Q. Did you see her actually work?

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1 MR. TAUBENFELD: Objection to form.  
2 You can answer.  
3 A. Yes.  
4 Q. And she worked as a server. Is that  
5 correct?  
6 A. Cashier.  
7 Q. Cashier.  
8 A. But she help out, too.  
9 Q. What do you mean by help out?  
10 A. Like, you know, serve the drinks,  
11 greet them to the table, yeah, greet customer  
12 to their tables.  
13 Q. And Michele Chan was married to  
14 Mr. Chan. Is that correct?  
15 A. No, they're not married.  
16 Q. They're not, Michele Chan?  
17 A. No.  
18 Q. Okay. Thank you.  
19 Q. Before the lawsuit, did you -- and  
20 after the first conversation about the doors  
21 being locked and what happened, when was the  
22 next time you spoke to Mr. Wong about Neo  
23 sushi?  
24 MR. TAUBENFELD: Objection to form  
25 but you can answer.

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1 A. A week, a week after we all busy job  
2 hunting. So we didn't speak -- like a week

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3 after.

4 Q. And --

5 A. As I remember.

6 Q. The following week did you receive  
7 new information from Steven Wong about what  
8 happened?

9 A. Yes.

10 Q. What did he tell you?

11 A. He said we all terminated.

12 Q. What else did he say about Mr. Ly?

13 MR. TAUBENFELD: Objection to form.

14 You can answer.

15 A. Nothing much. Just like he said that  
16 we should get our money back. And we all  
17 \agreed\greed.

18 Q. So did you all have meetings  
19 together? Like what do you mean we all agreed?

20 A. He asked kind of spoke to us. We  
21 ask -- we kind of ask individual many, not like  
22 a group we go how we going to get our money  
23 back? What Mr. Lee owe us? Then we got  
24 together and said we should hire a lawyer or  
25 something like that to, you know, pursue this.

□

66

1 Q. Now, if in Mr. -- you said Mr. Ly was  
2 the main owner.

3 A. Yes.

4 Q. And you said Mr. Wong was a part  
5 owner. Right?

6 A. Yes.

7 Q. And Mr. Chang was a part owner.

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8 A. Yes.

9 Q. I know you said that you didn't know  
10 the percentage that Mr. Ly had.

11 A. No.

12 Q. Did you know the percentage that  
13 Mr. Wong had?

14 A. No.

15 Q. Did you know the percentage that  
16 Mr. Chang had?

17 A. No.

18 Q. So why did you believe that it was  
19 only Mr. Ly that owed you the money?

20 A. Because every time I ask for my  
21 salary, he would said he'll find out from  
22 Mr. Ly for me.

23 Q. But if Mr. Wong was a part owner,  
24 wouldn't he owe you at least part of that  
25 salary?

67

1 MR. TAUBENFELD: Objection to form.

2 You can answer.

3 A. But Mr. Ly was doing all the books.  
4 So he was handling the money.

5 Q. Are you sure he was handling all the  
6 money?

7 A. Mr. Wong is not getting paid so how  
8 could he be handling the money.

9 Q. How do you know Mr. Wong was not  
10 getting paid?

11 A. He told me.

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- 12 Q. Did he ever show you a document or  
13 some kind of e-mail?  
14 A. No.  
15 Q. Did Mr. Wong ever show you anything  
16 to say that what he was telling you was true?  
17 A. I believe him. He's my friend.  
18 Q. And you never thought to -- Mr. Chang  
19 you never thought he owed you money, at least  
20 some of it if he was a part owner too?  
21 A. Because every time we getting paid  
22 it's through Brendon.  
23 Q. What do you mean by through Brendon?  
24 A. He would hand us the money.  
25 Q. So he would hand you the check.

68

- 1 well, let me rephrase that. Were you paid by  
2 check or cash?  
3 A. We started with getting paid cash.  
4 After we receive cash we would sign on a -- I  
5 think it was like a book that he has, we sign  
6 that we receive that money. And then a check  
7 he would just -- we all -- I also need to sign  
8 it, too. That was my last pay. So most of the  
9 time he would pay us --  
10 Q. So he would actually hand you  
11 personally money.  
12 A. Yes, personal.  
13 Q. Whether it was a check or cash.  
14 A. Yes.  
15 Q. But that doesn't necessarily mean it  
16 was his money, is it?

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17 A. I assumed he hand us the money so I  
18 don't really want -- I mean I don't want -- how  
19 would I put it? When someone hand you the  
20 money, you would be the guy that would be  
21 paying as you.

22 Q. But you assume that.

23 A. Yes.

24 Q. So you said before that you wanted  
25 your money back that you felt was owed to you.

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1 So you went to a lawyer?

2 MR. TAUBENFELD: Objection to form.

3 Q. Let me rephrase the question. And I  
4 don't want -- I want to be clear. I'm not  
5 looking for you to tell me anything about  
6 whether you spoke to any lawyer whether in this  
7 office or anywhere else because that's  
8 privileged. So I'm not looking for that. But  
9 just among you, just you and Steve and the  
10 other plaintiffs in the case before you went to  
11 a lawyer, who first said let's go to a lawyer?  
12 Do you remember? Was it you?

13 A. It was Mr. Chang.

14 Q. Mr. Chang?

15 A. Yes.

16 Q. Do you remember what he said  
17 specifically?

18 A. No, he said that we should pursue it  
19 in getting or money back or what Mr. Ly owe us.  
20 And we all agree, yes, we should proceed but we

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21 have no recollection, no idea how the procedure  
22 worked so Mr. Chang was -- so it was Mr. Chang  
23 that found a lawyer or went to a lawyer.

24 A. Yes.

25 Q. And Mr. Chang also told you and the

70

1 other plaintiffs as far as you know that it was  
2 Mr. Ly only that owed you the money?

3 A. Oh us?

4 Q. Yes.

5 A. Yes. And them.

6 Q. Did you ever keep -- other than what  
7 you gave to us in discovery, did you keep track  
8 of your time?

9 A. No.

10 Q. While you were at Neo Sushi.

11 A. No.

12 Q. How many hours a day you worked?

13 A. No.

14 Q. Do you know since Mr. Wong left Neo  
15 sushi if he has -- did he ever tell you about  
16 having an interests or investment in any other  
17 business?

18 A. No.

19 Q. How about Mr. Chang?

20 A. No.

21 Q. Do you know what Mr. Ly is doing now?

22 A. Mr. Ly?

23 Q. Yes.

24 A. I really don't know right now. As of  
25 now now?

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1 Q. Since you left Neo Sushi.

2 A. No, I have never contacted Mr. Ly  
3 ever after I left Neo.

4 Q. Let's take one last break, like 10  
5 minutes and then I don't have anything other  
6 than maybe like 15 minutes or so worth of  
7 questions and then if you want to ask a few of  
8 your own. Then we can wrap up.

9 (There is a recess taken.)

10 BY MR. SALVA

11 Q. I just have a couple more questions  
12 and I think your lawyer may have a few  
13 questions four and then we can end and you can  
14 get some lunch.

15 Do you remember while you were at Neo  
16 Sushi, do you remember weeks or, you know,  
17 where you did not work more than 40 hours?

18 A. More than?

19 Q. No, do you remember if there were  
20 weeks that you did not work 40 or more hours?

21 A. Yeah, I remember I told you earlier  
22 that I had a couple of days I was late.

23 Q. Anything else?

24 A. No.

25 Q. Other than your -- the job you had at

72

1 the edge water restaurant and where you're  
2 working now, do you have any other jobs?

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3 A. Right now, no. Oh you mean in

4 between?

5 Q. Both. I mean have you worked

6 anywhere else?

7 A. Yeah, a few places. I don't quite

8 remember.

9 Q. But are you with them now?

10 A. Right now I'm with this Robin place.

11 Q. In Brooklyn?

12 A. Yes.

13 Q. Between the place in edge water

14 restaurant and --

15 A. Yes, I did work in Newark for like

16 less than a month, a month, around a month,

17 yeah.

18 Q. Did any of the plaintiff's work with

19 thru?

20 A. No.

21 Q. Or Mr. Wong or Mr. Chang?

22 A. No.

23 Q. Do you have any other sources of

24 income?

25 A. No.

73

1 Q. Do you own any property?

2 A. No.

3 Q. Do you have any investments?

4 A. No.

5 Q. Did Mr. Wong while you were at Neo

6 Sushi ever talk to you about a policy of paying

7 of how you would be paid?

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8 MR. TAUBENFELD: Objection to form.

9 A. Like told me that I would be paid  
10 weekly.

11 Q. Anything else?

12 A. By Brendon.

13 Q. What did Brendon ever tell you?

14 A. I mean paid by Brendon.

15 Q. Paid by Brendon.

16 A. Yeah, weekly.

17 Q. You said Brendon would usually hand  
18 you the check or the cash.

19 A. Yes.

20 Q. Did anyone else ever do it?

21 A. No.

22 Q. It was always him.

23 A. Always. Because he will have to sign  
24 a book that he has.

25 Q. You said there was no office so where

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1 would you do that.

2 A. Just right by the cashier, pretty  
3 much cashier/office.

4 Q. Do you remember May Chan usually  
5 being there from three to 11 or three to 12  
6 depending on the day?

7 A. Yes, she's there when we're there.

8 Q. How about Michele Chan?

9 A. She's also there as, she came to work  
10 pretty much the same time, sometime give or  
11 take 10 minutes difference maybe. Depend on

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12 like the chance portation traffic.

13 Q. Do you know if she was paid for those  
14 minutes that she missed?

15 A. who?

16 Q. Michele?

17 A. Michele, no.

18 Q. You don't know.

19 A. She told -- well, she say she never  
20 got paid, no, she never got paid.

21 Q. How about Johnny Shih, was he always  
22 there from three to 11 or three to 12?

23 A. Yes.

24 Q. I have no other questions. Thank you  
25 Mr. Wu.

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1 MR. TAUBENFELD: I don't have any  
2 questions. I guess we're done.

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